

#### IV. REMARKS

1. Claims 1, 2 and 8 are amended. Claims 7 and 11-13 are cancelled without prejudice. The specification and drawings are amended.

2. The specification is amended to conform to the language of FIG. 2.

3. FIG. 2 is amended to correct the placement of reference numeral 50.

4. The specification is amended to correct the informalities noted by the Examiner.

5. Claim 1 is amended to address the 35 U.S.C. §112, second paragraph issues. The change does not further limit or narrow the scope of the claim and merely corrects the grammatical structure.

6. Applicant appreciates the Examiner's indication of the allowability of claims 8-10. Claim 8 is amended to recite the matter from which it depends, claim 7, which does not further narrow or limit the scope of the claim.

7. Claims 1 and 6 are not anticipated by Campbell et al. (U.S. Patent No. 5,263,309) "Campbell" under 35 U.S.C. §102(b).

Claim 1 recites a device for rotating at a first predetermined rate and a strand puller operating at a second predetermined rate, where the device for rotating and the strand puller operate independently to make a twisted pair cable that has different twist rates on different segments of the cable. Nothing of the sort is disclosed or suggested by Campbell.

Campbell includes a rotating cable frame 12 that is rotated by a main drive 20. (Col. 4, lines 38-42). The cable assembly 32 is wound by a take up reel 38. (Col. 4, lines 55-56). The drive capstan 44 only effectively tensions the strands 24, 28 and cable assembly 32 during construction. (Col. 4, lines 63-66).

Nothing in Campbell discloses or suggests an independent relationship between the device for rotating and the strand puller to create a cable having different twist rates, or pitches.

8. Claims 1, 3, 4 and 6 are not anticipated by Barton (U.S. Patent No. 6,378,283) under 35 U.S.C. §102(e).

In Barton, the strands 120, 122, 124 and 126 pass through apertures in a "rotatable" body 146. (Col. 6, lines 5-9). The strands come together at a controlled location 155 beyond the rotatable body 146. (Col. 6, lines 20-22). Nothing in Barton discloses or suggest a twist stop device to "grip" the conductor strands. Also Barton does not disclose or suggest a device for rotation that rotates at a rate independently of a rate of rotation of the strand puller to form different twist rates on different segments of the cable. Nothing in Barton discloses or suggests forming a variable pitch, or twist rate cable.

9. Claims 3 and 4 are not unpatentable over Campbell under 35 U.S.C. §103(a).

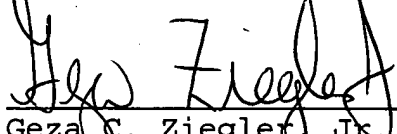
Applicant's invention is directed to forming a variable pitch or twist rate cable. Nothing in Campbell even remotely suggests a variable pitch or changing a twist rate along portions of the cable. Thus, there is simply no motivation to be found anywhere in Campbell that would cause one of skill in the art to modify Campbell in an effort to achieve Applicant's invention. It could

only be with "hindsight" knowledge of Applicant's invention as applied to Campbell that might lead one of skill in the art to such experimentation. However, the use of hindsight knowledge is not allowed. The motivation must exist in the reference itself in order to satisfy the requirements of 35 U.S.C. §103(a). The motivation is not in Campbell. Thus, claims 3 and 4 are not unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.  
Reg. No. 44,004

24 FEB 2004  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800 Ext. 134  
Customer No.: 2512



### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 2/24/04

Signature: *Supanne Foley*  
Person Making Deposit